in the
Supreme Court
of the
United States

OCTOBER TERM, 1971

NO. _____

RONALD I. STRAUSS, Specially Appointed Public Defender for CHARLES CELONA, and CHARLES CELONA,

Petitioners,

vs.

DADE COUNTY, a Political Subdivision of the State of Florida.

Respondent.

BRIEF IN OPPOSITION TO JURISDICTION

By
STUART SIMON
Dade County Attorney
1626 Dade County Courthouse
Miami, Florida 33130
and
GARY S. BROOKS
Assistant County Attorney
1626 Dade County Courthouse
Miami, Florida 33130

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BRIEF IN OPPOSITION TO JURISDICTION

STATEMENT OF THE FACTS AND OF THE CASE

Petitioner omitted four crucial factual circumstances which require rejection of its position.

1. Respondent, Dade County had established and was maintaining an office of the Public Defender at the time Strauss was appointed to defend Celona (A. 1-3). For fiscal year 1969-70 said office had a budget of $201,241, while for 1970-71 the budget was increased to $271,625 (A. 5, 6). No showing was ever made that if criminal defendant Celona had desired, he could not have been adequately represented by the public defender.

2. In fact, very clearly the defense of the indigent here involved was not imposed upon counsel Strauss. Strauss had previously represented Celona (A. 7-10) and in the present matter appeared on his behalf at the insolvency proceedings seeking to represent him again (A. 11-13). The transcript of the insolvency hearing makes clear that the trial court, counsel Strauss and criminal defendant Celona had already decided upon such representation before the public defender was summoned. The public defender perfunctorily withdrew from the case without cause (A. 13, 14). Not only was Strauss' representation voluntary and sought by him but as the Appellate Court itself noted, Strauss realized at the time he was appointed that his fee would be limited! **Dade County v. Strauss**, Fla.App., 1971, 246 So.2d 137 at 138 (A. 14)

3. Dade County did not contest any of the monetary awards made to reimburse counsel Strauss for the costs of investigating and preparing his case. During the course of the criminal proceedings, Strauss made numerous motions for the payment of various costs. The trial judge, in turn, issued orders awarding at least $3,885 in costs. (A. 15, 17, 19-25.)

4. Unlike the Federal Government, Florida has no "extraordinary case" exception which rule allows a trial court to exceed the statutory maximum in awarding fees to indigent's counsel in extraordinary cases. Furthermore,

there is no indication in the record that Strauss contended at the trial level that the case did fall under such exception. Most importantly, the intermediate appellate court explicitly found that the case was not an extraordinary one!! **Dade County v. Strauss**, supra at 140.

As a final note here, respondents point out that the relevant opinion here presented is that of an intermediate appellate body, the Third District Court of Appeal which opinion was finalized by refusal of the Florida Supreme Court to accept jurisdiction of the subject case upon a petition for a writ of certiorari.

ARGUMENT

THE FACTUAL CIRCUMSTANCES OF THE SUBJECT CASE RENDER IT INAPPROPRIATE AS A SUBJECT OF REVIEW BY THIS COURT.

The essential question before this Court is whether a statutory limit of $750 upon attorney's fees for specially appointed indigent defense counsel under the particular factual circumstances of this case raises a new point of law or is such as to be in conflict with prior decisions of this Court.

Respondents readily agree that this Court and other appellate bodies have steadily expanded the concept of the right to counsel. Respondents readily agree that where the factual circumstances warrant a conclusion that the criminal defendants' right to counsel was or could, in the future, be seriously jeopardized, that some basis exists for asking that this Court intervene. Such circumstances do not exist here.

A review of the cases cited by petitioner emphasizes that no conflict exists in or counter-trend is started by the decision sought to be reviewed.

Gideon v. Wainwright, 372 U.S. 335, 88 S.Ct. 792 9 L.Ed. 2d 799 (1963) established the right of an indigent to be represented by counsel. In the subject case, there is no indication why the public defender could not have adequately and equally represented Celona. The only reason the public defender did not participate was the desire of counsel Strauss to handle the case (with knowledge his fee would be limited). The existence of a public defender's office and the voluntary nature of the representation by defense counsel here certainly assured Celona of his constitutional right to counsel.

In **Lee v. Habib**, 424 F.2d 891 (D.C. Cir. 1970), the Circuit Court for the District of Columbia noted that the state should have to pay the investigatory costs of the indigent defendant. This was done in the subject case!! In fact, Florida law no longer contains a limit on investigatory and preparatory costs allowed indigent's counsel:

> "A reasonable amount shall be allowed for the cost of investigation and preparation of the case for trial." Section 925.035, Florida Statutes.[1]

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[1]The quoted provision went into effect January 1, 1971. It superseded Section 909.21, Florida Statutes, which limited recovery of investigatory and preparatory costs to $250. Dade County initially sought relief from the $10,000 attorney's fee award on November 12, 1970, after the quoted statute was passed, but before it went into effect. Dade County did not choose to contest the award of $3,885 in costs although at the time of their award they exceeded the then existent statutory maximum. The issue would have been *virtually* moot by the time a decision was rendered and is now moot.

In the subject case and in all cases occurring subsequent to January 1, 1971, the scope of recovery of investigatory and preparatory costs will be equal to if not greater than those cited in **Lee v. Habib**.

Williams v. Oklahoma City, 395 U.S. 458, 89 S.Ct. 1818 (1969) involved the provision of a stenographically transcribed record to an indigent appellant. No such issue appears here, especially since Celona was acquitted and there was no necessity to appeal on his behalf. All other costs were paid as far as the record reveals.

Anders v. State of California, 386 U.S. 738, 87 S.Ct. 1396 (1967) discusses limits upon representation which simply do not exist here. The record establishes that Celona was given complete legal services at every stage of the proceedings by counsel Strauss even though the latter was fully aware his fee would be limited.

The question of whether Celona received "effective assistance" is rhetorical inasmuch as he was acquitted! Furthermore, the existence of a public defender's office and the payment of all reasonable costs of defense appear to guarantee "effective assistance" to any criminal accused in a normal case. Thus the citation of **Schwander v. U.S.**,[2] **Mac Kenna v. Ellis**,[3] and **Pineda v. Bailey**[4] is irrelevant.

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[2]386 F.2d 20 (5th Cir., 1967).

[3]280 F.2d 592 (5th Cir., 1960).

[4]310 F.2d 162 (5th Cir., 1965).

The three cases[5] cited by petitioner which apply the federal "extraordinary cases exception", 19 U.S.C. §3006A (d), do not apply here inasmuch as Florida has no such statute. We are here dealing with a constitutional not statutory issue and the existence of district court opinions interpreting the federal statute do not even remotely compel jurisdiction here.

Petitioner concludes his presentation by citing a series of state cases which it claims indicates a trend toward eliminating statutory limits on attorneys fees.

Respondent must point out that conflicting state opinions do not provide a worthy basis for jurisdiction on writ of certiorari, U.S. Sup. Ct. Rule 19, 28 U.S.C.A. More importantly the state decisions do not justify petitioner's conclusion.

Halpin v. Superior Court of Shasta, 49 Cal. Rptr. 857 (Calif. S.Ct., 1966) did not involve a constitutional question. The California Supreme Court merely ruled that a county ordinance which imposed a limit on attorney's fees for indigent's counsel was in conflict with a state statute which allowed the court discretion in setting the fees. The simple ruling of the California Supreme Court was that the state statute prevailed. The statute allowed discretion whereas Florida's does not. The decision has no bearing on the subject case.

Furthermore, the California Court explicitly noted that Shasta County, the county involved, unlike Dade County, had no public defender.

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[5] *U.S. v. Pope*, 251 Fed. Supp. 234 (D.C. Neb., 1966); *U.S. v. Ursini*, 296 Fed. Supp. 1155 (D.C. Conn., 1968); *U.S. v. Dodge*, 260 Fed. Supp. 929 (D.C. N.Y., 1966).

In **People ex rel Con. v. Randolph**, 219 N.E.2d 337 (Ill. 1966), the Illinois Supreme Court distinguished, but did not over-rule a prior case which had upheld the state statute limiting fees and costs.[6] The distinction was made because in **Randolph**, unlike **Zuniga**, the necessity to "expend large out-of-pocket sums in the course of trial" would preclude counsel from serving. **People ex rel Con. v. Randolph**, supra at 341. Thus, the concern of the Illinois Court was not attorney's fees, but the costs incurred by defense counsel on behalf of the indigent accused. The distinction between fees and costs is noted in the Florida opinion at hand. **Dade County v. Strauss**, supra at 141.

Another important facet of the Illinois case is that representation of the accused was imposed upon counsel.

In the subject case all costs were paid and representation was voluntary.

The New Jersey citation[7] is also inapplicable inasmuch as that state permits "reasonable compensation" and does not set a statutory limits on fees paid to counsel for indigents.

Finally, counsel Strauss contends that extraordinary cases require disposition of or exception to statutory limits on attorneys' fees. He sets out in detail the work expended by him.

Whether counsel Strauss' efforts were extraordinary was not decided by the trial court which awarded him

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[6] *People v. Zuniga*, 31 Ill. 2d 429, 202 N. E. 2d 31.

[7] *State v. Driver*, 183A. 2d 676 (N.J. S.Ct., 1962).

$10,000. As far as the record indicates, no hearing was ever held nor was any evidence presented showing the reasonableness of the effort he expended. This case arose by petition for common law writ of certiorari because the entity responsible for paying the bills, Dade County, was never made a party to the suit or noticed for hearing on attorney's fees. Counsel Strauss was aware at the time of appointment that Florida Statutes imposed a limit on attorney's fees. It was incumbent upon him to establish a record justifying his claim for extraordinary relief. He *did not; instead, in proceedings* not even on record, without notice to respondent he was awarded $10,000. The failure of petitioner to raise the issue or to create a record, the failure of the trial court to make a finding on the issue of extraordinary services and the finding by the Third District Court of Appeal that the subject case was not extraordinary **on its face**, hardly raises a justiciable issue of whether Strauss would be entitled to greater fees than the maximum permitted by statute in an extraordinary case.

CONCLUSION

No decision cited by petitioner holds that the Constitution of the United States requires an attorney to be paid a fee commensurate with the services performed by him on behalf of an indigent. Courts have held that an indigent must be provided with counsel and effective legal assistance which was provided here and will be provided in the future by Dade County. Courts have ordered that the state or county absorb all sorts of costs incurred by indigents and counsel for indigents. All costs were absorbed by Dade County in the subject case and state law requires that all reasonable costs be paid in the future.

The federal government and some states have passed "extraordinary case" exceptions to statutory limits on attorneys fees and costs but no ruling exists as to whether such statute is Constitutionally mandated, especially if the costs are paid in full.

Admittedly, the Court has yet to rule whether the placing of a statutory limit on attorney's fees in some instances may not jeopardize the right to counsel. However, the circumstances involved here: the availability of a public defender coupled with no showing that he could not have handled this case; the voluntary (if not sought after) nature of counsel's representation coupled with his knowledge of the statutory limit; the payment by the County of all costs sought; and the failure to establish as a matter of fact or law by petitioner that this case was an extraordinary one—all make this case particularly inappropriate for review by this Court.

Respondent respectfully requests that jurisdiction be denied.

Respectfully submitted,

STUART SIMON
Dade County Attorney
1626 Dade County Courthouse
Miami, Florida 33130

Gary S. Brooks
Assistant County Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Respondent's Brief in Opposition to Jurisdiction was mailed this 23rd day of March, 1972 to RONALD I. STRAUSS, Specially Appointed Public Defender for Charles Celona, 111 S.W. Third Street, Miami, Florida 33130.

APPENDIX

ARTICLE III. COUNTY PUBLIC DEFENDER*

Sec. 2-21. Office established.

There is hereby created and established the office of county public defender. (Ord. No. 57-24, § .01, 10-30-57)

Sec. 2-22. Appointment; term; qualifications.

The county commission shall appoint a public defender for the county who shall serve at the will of the commission and who shall head the office. He shall be a duly licensed practicing attorney of the state. (Ord. No. 57-24, § .02, 10-30-57)

Sec. 2-23. Assistants, qualifications, powers, term.

With the approval of the county commission, the public defender shall appoint such assistants as may be necessary efficiently to discharge the functions and duties of the office of county public defender. These assistants shall be known as assistant public defenders and deputy public

*Editor's note—This article is derived from Ord. No. 57-24 enacted October 30, 1957. Section .07 of Ord. No. 57-24, which is not included herein, specifically repealed Chapter 30143, General Laws of Florida, 1955.

Charter reference—Authority of commission to establish public defender, § 6.02(E).

Cross reference—Duty of arresting officers to advise of availability of public defender, § 21-22.

defenders. The assistant public defenders shall be duly licensed, practicing attorneys of the state. These assistants shall work under the direction and supervision of the public defender and shall have full power and authority to do and perform any duties of the public defender, and shall serve at the will of the public defender. (Ord. No. 57-24, § .03, 10-30-57)

Sec. 2-24. Duties.

The duties of the public defender shall include, but not be restricted to, the following:

(a) To represent on behalf of the people of the county, all those indigent persons who are without funds to employ legal counsel and who are accused or charged with the commission of an offense cognizable under the penal ordinances of the county or penal laws of the State of Florida where such representation is required pursuant to the decision of Brinson v. Florida, S. D. Fla. 1967, 273 F. Supp. 840 or other applicable decisions pertaining to one's right to counsel.

(b) To investigate fully the facts and circumstances of the alleged commission of the criminal offense with which the accused is charged. (Ord. No. 57-24, § .04, 10-30-57; Ord. No. .68-49, § 1, 8-20-68)

Amendment note—Ord. No. 68-49, § 1 amended § 2-24(a) to read as set out. Formerly the public defender represented persons charged with the commission of an offense cognizable "under the penal ordinances of the county commission and or the penal laws of the State of Florida" and was required "to perform any and all other essential and incidental functions whatsoever attendant thereto."

Sec. 2-25. Budget and salaries.

The budget and salaries of the office of county public defender shall be established by the county commission. (Ord. No. 57-24, § .05, 10-30-57)

ARTICLE IV. PERSONNEL*

Division 1. Personnel Department†

Sec. 2-26. Established.

A personnel department is hereby established, which shall be responsible for the administration of the county personnel program and the rules governing such program. (Ord. No. 57-9, § 19.01, 9-3-57)

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*Cross reference—Outside employment by county employees, § 2-11.

†Charter reference—Charter provisions providing for department of personnel, § 4.05.

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, E. B. LEATHERMAN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the following sections of the Code of Dade County, Florida excerpts of Sec. 2-21 thru 2-25 Article III County Public Defender as amended adopted by the said Board of County Commissioners at its meeting held on August 20, 1968.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 9th day of November A.D., 1970.

Said section(s) are/were in full force and effect as of , 19 .

E. B. LEATHERMAN,
EX-Officio Clerk
Board of County Commissioners
Dade County, Florida

By /s/ Charlotte Miller
Deputy Clerk

SEAL

Board of County Commissioners
Dade County, Florida

EXHIBIT 7

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA THIRD DISTRICT

_____

NO.

_____

DADE COUNTY, a political subdivision of the State of Florida,

Petitioner,

vs.

RONALD I. STRAUSS, HONORABLE CARLING STEDMAN, JUDGE, CRIMINAL COURT OF RECORD, in and For Dade County, Florida, STATE OF FLORIDA and CHARLES CELONA,

Respondents.

AFFIDAVIT

BEFORE ME, an officer authorized to administer oaths and take acknowledgments, personally appeared William Hampton, who being first duly sworn deposes and says that:

1. He is of legal age and is presently the Budget Director for Metropolitan Dade County and has held this position for two years.

2. The total budget for the County's Office of the Public Defender for fiscal year 1969-70 was $201,241. Of

this total, the County contributed $107,880 and the State of Florida, $93,361. For fiscal year 1970-71, the total budget for the same office was $271,625, all of which was contributed by the State of Florida.

FURTHER AFFIANT SAYETH NOT.

WILLIAM HAMPTON

STATE OF FLORIDA)
)
COUNTY OF DADE)

Sworn to and subscribed before me this day of November, 1970.

My Commission Expires:

Notary Public

EXHIBIT 2

IN THE CRIMINAL COURT OF RECORD
AND FOR DADE COUNTY, FLORIDA

CASE NO. 69-3665

THE STATE OF FLORIDA,

Plaintiff,

vs.

CHARLES CELONA,

Defendant.

[Filed Dec. 22, 1969]

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 6, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ (name illegible) D.C.

NOTICE OF APPEARANCE

COMES NOW the undersigned RONALD I. STRAUSS attorney licensed to practice in the State of Florida, and gives notice of his appearance on behalf of CHARLES CELONA and files this, his Notice of Appear-

ance, and as grounds therefor states that the Defendant requested, retained and employed the undersigned to represent him for purposes of all matters pertaining to the above-styled case.

STRAUSS & McCORMICK
Attorney for Defendant
Suite 1104 Concord Building
66 West Flagler Street
Miami, Florida 33130

By /s/ Ronald I. Strauss
RONALD I. STRAUSS

I HEREBY CERTIFY that a true copy of the foregoing Notice of Appearance was furnished by mail this 22nd day of December, 1969, to Richard Gerstein, Esquire, State Attorneys' Office, 1351 N.W. 12th Street, Justice Building, Miami, Florida and Robert Egan, Esquire, Special Appointed Counsel, Orlando, Florida.

/s/ Ronald I. Strauss
RONALD I. STRAUSS

EXHIBIT 3

[TITLE OMITTED]

[Filed Feb. 11, 1970]

AFFIDAVIT

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority, personally appeared RONALD I. STRAUSS, who after being first by me duly sworn on his oath, deposes and says:

1. The Affiant is the attorney for the Defendant in the above-styled cause.

2. That the testimony of the witnesses listed and attached to this Motion may be material or relevant to the trial, or of assistance in the preparation of the defense of the Defendant.

FURTHER Affiant sayeth not.

/s/ Ronald I. Strauss
RONALD I. STRAUSS

SWORN TO AND SUBSCRIBED before me, this 11 day of February, 1970.

/s/ Francine D. Holbrook

NOTARY PUBLIC, State of Florida

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA at LARGE. MY COMMISSION EXPIRES JUNE 6, 1972. Bonded thru Maynard Bonding Agency.

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 6, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ (signature illegible) D.C.

EXHIBIT 8

* * *

[91] question of insolvency.

[Whereupon, the witness was duly sworn.]

WHEREUPON . . .

CHARLES CELONA

was called as a witness by and on behalf of himself, concerning the matter of his insolvency, and after having been first duly sworn, testified on his oath as follows:

DIRECT EXAMINATION

BY MR. STRAUSS:

Q. State your full name.
A. Charles Celona.

Q. Are you the defendant in these two cases, 70-2288?
A. I am.

Q. Do you have any monies in the bank?
A. I do not, Your Honor.

Q. Do you have any money left over at the end of the week, after you get your paycheck?
A. I do not, Your Honor.

Q. How much money do you have to spend [92] on food and lodging a week?

A. $40.

Q. How many people do you support with $40 each week?

A. Four of us.

Q. Do you have any other sources of income?

A. I get mileage on my job, gas money, an extra $20.

Q. Is that a week or a month?

A. That is monthly.

THE COURT: Cross examination by the State. Anything on financial only?

MR. BLUMENFELD: No. We will also stipulate that the prior testimony applies to the insolvency testimony on bond.

THE COURT: Any other witnesses?

MR. STRAUSS: No.

THE COURT: Anything in opposition?

MR. BLUMENFELD: No.

THE COURT: The defendant is adjudicated insolvent for the purposes of appeal.

[93] Now, that means that you, of course, will get free subpoenas and free services, and a free record of all trial proceedings.

You are entitled to a free record, and you are adjudicated insolvent for the purposes of trial.

Now, Mr. Strauss, here is the way I have to do it with regard to the Public Defender. Let me explain to you what we do in here.

I have no objection to appointing the Public Defender to represent Mr. Celona, and I have no objection to appointing you as a Special Assistant Public Defender to represent him in the event that the Public Defender, for whatever reason he may see fit — be it overwork or understaffed, or conflict of interest, or any other reason — wishes to withdraw.

But first, I have to appoint the usual and regular Public Defender; and if and when he disqualifies himself, I will be most pleased to appoint you as Special Assistant Public Defender.

Do you understand what I am saying?

[94] MR. STRAUSS: Are you attempting to find a Public Defender?

THE COURT: Let's find an Assistant Public Defender. Meanwhile, we will all take one minute —

MR. BLUMENFELD: Here he comes, Judge.

THE COURT: Here, we have one.

Give Mr. Celona the Public Defender's Oath.

[Whereupon, the clerk administered the Oath of Insolvency to Mr. Celona.]

THE COURT: The Public Defender is appointed to represent you, Mr. Celona.

MR. GLIST: We move to withdraw, Your Honor.

THE COURT: Any objection by the State?

MR. BLUMENFELD: No.

THE COURT: Granted. The Public Defender is withdrawn.

[95] For the purposes of the record, Mr. Celona, you are now without benefit of counsel. That means you do not have a lawyer.

The Public Defender has withdrawn from representing you, sir. That means that I will be able to appoint a private attorney of your choice to represent you in this matter as Special Assistant Public Defender.

Unfortunately, I cannot pay him what his services would be worth. I am limited in the amount of money that I can pay to him if he takes this undertaking for you.

I will be glad to appoint anyone that you want. Whom do you prefer?

MR. CELONA: I would like to have this gentleman standing to my right [indicating Mr. Strauss].

THE COURT: You have that gentleman standing to your right as Special Assistant Public Defender — Ronald Strauss.

MR. STRAUSS: Thank you, Your Honor.

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EXHIBIT 10

[TITLE OMITTED]

[Filed May 14, 1970]

ORDER

THIS CAUSE having come on to be heard upon the Defendant's, CHARLES CELONA, Motion for Clarification for Payment of Costs by Indigent Defendant, and the Court being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the Public Safety Department is directed to serve all subpoenas without payment of costs or fees properly issued by the Clerk of the Criminal Court of Record, and that further the Clerk of the Criminal Court of Record is to issue said subpoenas without cost and supply Ronald I. Strauss, as special appointed public defender, copies of any and all documents of record pertaining to the above Defendant without cost or fee.

DONE AND ORDERED in Court, Miami, Dade County, Florida, this 15 day of May, 1970.

/s/ Carling H. Stedman

JUDGE
CRIMINAL COURT OF RECORD

Filed and Recorded in Criminal Court of Record minutes as indicated hereon.

J. F. McCRACKEN, Clerk

By: Kathleen H. Brennan

Deputy Clerk

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 6, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ (signature illegible) D.C.

COMPOSITE EXHIBIT 12

[TITLE OMITTED]

[Filed May 25, 1970]

ORDER

THIS CAUSE having come on to be heard upon the Defendant's Motion for Payment of Court Reporter Costs, payable to Matz, Traktman & Associates, Court Reporters, in the amount of One Thousand Five Hundred Fifteen Dollars ($1,515.00), and that further, the Defendant, CHARLES CELONA, was adjudicated insolvent on March 19, 1970, and pursuant to stipulation all prior depositions of witnesses were made a part of record of this cause, and the State having no objection thereto, and the Court being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the County Commission is directed to pay the sum of One Thousand Five Hundred Fifteen Dollars ($1,515.00) to Matz, Traktman & Associates, Court Reporters, out of the fine and forefeiture fund which provides for such disbursement.

DONE AND ORDERED at Miami, Dade County, Florida, this 25th day of May, 1970.

/s/ Carling H. Stedman

JUDGE,
CRIMINAL COURT

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 5, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ Ileen L. Jervis D.C.

[TITLE OMITTED]

[Filed July 7, 1970]

ORDER

THIS CAUSE having come on to be heard upon the Defendant's Motion for Payment of Appointed Investigator of Indigent, payable to Mark IV Investigations, in the amount of Four Hundred Sixty Dollars and 30/100 ($460.30), and that further, the Defendant, CHARLES CELONA, was adjudicated insolvent on March 19, 1970, and pursuant to this Court's Order of June 25, 1970, appointing a private investigator to assist counsel for the Defendant in this cause for preparation and trial, and the Court being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the County Commission is directed to pay the sum of Four Hundred Sixty Dollars and 30/100 ($460.30) to Mark IV Investigations, out of the fine and forefeiture fund which provides for such disbursement.

DONE AND ORDERED at Miami, Dade County, Florida, this 7 day of July, 1970.

/s/ Carling H. Stedman

JUDGE
CRIMINAL COURT OF RECORD

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 5, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ Ileen L. Jervis D.C.

[TITLE OMITTED]

[Filed Aug. 4, 1970]

ORDER

THIS CAUSE having come on to be heard upon the Defendant's Motion for Payment of Witness's Fee, Defendant Adjudicated Insolvent, and the Court having heard argument of counsel, and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the County Commission is directed to pay to JOHN VERMYLIE, a witness in this cause, the sum of ($408.00), as witness fees for mileage and per diem of ($50.00), out of the fine and forefeiture funds which is set aside for said purpose.

DONE AND ORDERED in Court at Miami, Dade County, Florida, this 4 day of August, 1970.

/s/ Carling H. Stedman

JUDGE
CRIMINAL COURT OF RECORD

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 5, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ Ileen L. Jervis D.C.

[TITLE OMITTED]

[Filed Sep. 17, 1970]

ORDER

THIS CAUSE having come on to be heard upon the Defendant's Motion for Payment of Costs of Indigent Defendant, and this Court being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the Board of the County Commission is hereby directed to pay the sum of Fifty-six dollars and 25/100 ($56.25) to Driest Reporting Service, for services rendered in the above-styled cause.

DONE AND ORDERED at Miami, Dade County, Florida, this 17 day of September, 1970.

/s/ Carling H. Stedman

JUDGE
CRIMINAL COURT OF RECORD

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 5, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ Ileen L. Jervis D.C.

[TITLE OMITTED]

[Filed Sep. 17, 1970]

ORDER

THIS CAUSE having come on to be heard upon the Defendant's Motion for Payment of Costs of Indigent Defendant, and this Court being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the Board of the County Commission is hereby directed to pay the sum of Nine hundred and ninety-three Dollars ($993.00) to Matz, Traktman & Associates for payment of services rendered in the above-styled cause.

DONE AND ORDERED at Miami, Dade County, Florida, this 17 day of September, 1970.

/s/ Carling H. Stedman

JUDGE
CRIMINAL COURT OF RECORD

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 5, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ Ileen L. Jervis D.C.

[TITLE OMITTED]

[Filed Sep. 17, 1970]

ORDER

THIS CAUSE having come on to be heard upon the Defendant's Motion for Payment of Costs of Indigent Defendant, and this Court being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the Board of the County Commission is hereby directed to pay to Edward Schwartz, Court Reporter, the sum of Forty dollars ($40.00) for payment of services rendered with reference to the above-styled cause.

DONE AND ORDERED at Miami, Dade County, Florida, this 17 day of September, 1970.

/s/ Carling H. Stedman

JUDGE —
CRIMINAL COURT OF RECORD

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 5, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ Ileen L. Jervis D.C.

[TITLE OMITTED]

[Filed Oct. 16, 1970]

ORDER

THIS CAUSE having come on to be heard upon the Defendant's Motion for Additional Payment of Costs of Indigent Defendant, and this Court being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the Board of the County Commission is hereby directed to pay the sum of One hundred dollars ($100.00) to Mark IV. Investigations for payment of services rendered in the above-styled cause.

DONE AND ORDERED at Miami, Dade County, Florida, this 16 day of October, 1970.

/s/ Carling H. Stedman

JUDGE —
CRIMINAL COURT OF RECORD

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 6, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ Ileen L. Jervis D.C.

[TITLE OMITTED]

[Filed Oct. 16, 1970]

ORDER

THIS CAUSE having come on to be heard upon the Defendant's Motion for Payment of Costs of Indigent Defendant, and this Court being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the Board of the County Commission is hereby directed to pay to Strauss & McCormick, the sum of One Hundred, eighteen dollars and 25/100 ($118.25), for re-imbursement for costs incurred in the above-styled cause.

DONE AND ORDERED at Miami, Dade County, Florida, this 16 day of October, 1970.

/s/ Carling H. Stedman

JUDGE —
CRIMINAL COURT OF RECORD

I hereby certify that this instrument is a true and correct copy as shown by files and records in my office.

WITNESS MY HAND and official seal this Nov. 6, 1970.

J. F. McCRACKEN
Clerk Criminal Court of Record

By /s/ Ileen L. Jervis D.C.